

#19

Atty. Dkt. No. SALK2270-4  
(088802-5211)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant Ronald M. Evans

Title: XENOBIOTIC COMPOUND  
MODULATED EXPRESSION  
SYSTEMS AND USES  
THEREFOR

Appl. No.: 09/840,008

Filing Date: April 20, 2001

Examiner: J. Woitach

Art Unit: 1632

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Washington, D.C. on the date below.  <u>Stephen E. Reiter, Reg. No. 31,192</u> (Printed Name)  <u>Step E.</u> (Signature)  <u>8/11/03</u> (Date of Deposit)
--

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

Attn: OFFICE OF PETITIONS

Sir:

The above-identified application became abandoned for inadvertent failure to timely file a Request to Rescind Previous Non-Publication Request within 45 days of filing this application in the PCT (PCT/US02/12161, filed April 16, 2001). The Request to Rescind Previous Non-Publication Request is enclosed herewith. 2

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION****NOTE: A grantable petition requires the following items:**

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional; and
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

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In re Application of  
Ronald M. Evans  
Application No.: 09/840,008  
Page 2

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(088802-5211)

- (1) Required reply and/or fee.

Request to Rescind Previous Non-Publication Request is enclosed herewith.

- (2) Petition fee (37 C.F.R. § 1.17(m))

Please charge Deposit Account No. 50-0872 in the amount of \$1,280.00, stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition. A duplicate copy of this paper is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

- (3) Statement that the abandonment was unintentional.

Applicants hereby state that the entire delay in filing the required Request to Rescind Previous Non-Publication Request, until the filing of this petition, was unintentional.

- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,

Date: 8/11/03

By Stephen E. Reiter


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Registration No. 31,192

Atty. Dkt. No. SALK2270-4  
(088802-5211)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ronald M. Evans  
Title: XENOBIOTIC COMPOUND  
MODULATED EXPRESSION  
SYSTEMS  
AND USES THEREFOR  
Appl. No.: 09/840,008  
Filing Date: 04/20/2001  
Examiner: J. Woitach  
Art Unit: 1632

<b>CERTIFICATE OF MAILING OR TRANSMISSION</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PG Pub. Commission for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile (703) 305-8588 transmitted to the U.S. Patent and Trademark Office, on the date shown below. <b>Stephen E. Reiter, Reg. No. 31,192</b> (Printed Name)  (Signature) <b>8/11/03</b> (Date of Deposit)
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**REQUEST TO RESCIND PREVIOUS NONPUBLICATION REQUEST**

**35 U.S.C. 122(b)(2)(B)**

Mail Stop PGPUB  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicant hereby rescinds the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

Applicant furthermore hereby provides the notice to the Patent Office required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 C.F.R. 1.213(c) that an application directed to the invention disclosed in the above-identified application was submitted in another country through the Patent Cooperation Treaty (PCT) on April 16, 2002, under International Application No. PCT/US02/12161 or under a multilateral international agreement, that

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In re application of  
Desai et al.  
Application No. 09/847,945  
Page 2

Atty. Dkt. No. SALK2270-4  
(088802-5211)

requires publication of applications eighteen months after filing. This notice was not provided within forty-five days after the date of the filing of such foreign or international application.

Respectfully submitted,

Date

8/11/03

FOLEY & LARDNER  
Customer Number: 30542



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PATENT TRADEMARK OFFICE

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TO:	PHONE #:	FAX #:
Pre-Grant Publication Division Commissioner for Patents	703-605-4283	703-305- <sup>8568</sup> <del>6358</del>

**From :** Stephen E. Reiter *SR***Email Address :** sreiter@foleylaw.com**Sender's Direct Dial :** 858.847.6711**Date :** August 11, 2003**Client/Matter No :** 088802-5211 (SALK2270-4)**User ID No :** 1877**MESSAGE:**

U.S. Patent Application No. 09/840,008

Attached are the following:

1. Petition for Revival of Application for Patent Abandoned Unintentionally, in duplicate (4 pages)
2. Request to Rescind Previous Nonpublication Request (2 pages).

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